

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

P & C HOTELS, LLC

PLAINTIFF

v.

Case No. 4:16-cv-4037

LEINART CONSTRUCTION, INC.

DEFENDANT

ORDER

Before the Court is Plaintiff's Unopposed Motion for Leave to File Amended Complaint and Unopposed Motion to Remand. (ECF No. 11). The Court finds this matter ripe for consideration.

First, Plaintiff seeks to amend its complaint to add defendants to the lawsuit. Plaintiff states that following the parties' initial disclosures and discussions, Plaintiff has determined it must amend its complaint to add other defendants. The Court finds that justice requires that Plaintiff be allowed to amend its complaint. *See* Fed. R. Civ. P. 15.

Second, Plaintiff asks the Court to remand the case to the Circuit Court of Hempstead County, Arkansas, upon granting leave for Plaintiff to file its amended complaint. Plaintiff states that the defendants that will be added in the amended complaint are Arkansas citizens and will destroy subject-matter jurisdiction based on diversity of citizenship.¹ The Court declines to rule on this issue in this Order and will instead issue a separate ruling after Plaintiff files its amended complaint.

Accordingly, Plaintiff's motion (ECF No. 11) should be and hereby is **GRANTED** as it relates to the request for leave to file an amended complaint. Because Plaintiff wishes to add defendants, it must file the amended complaint conventionally, on paper, with the Clerk of Court's office. Further, pursuant to Rule 5.5(e) of the Rules of the United States District Courts

¹ For purposes of subject-matter jurisdiction, Plaintiff is a citizen of Arkansas and Defendant is a citizen of Texas.

for the Eastern and Western Districts of Arkansas, Plaintiff must file its amended complaint within seven (7) days of the entry of this Order. The Clerk is directed to leave Plaintiff's motion (ECF No. 11) as pending until the Court has the opportunity to rule on the issue of remanding the case.

IT IS SO ORDERED, this 13th day of October, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge